

## REMARKS

General arguments.

Applicants agree with Examiner on claims 2 - 4;  
many methods of attachments will allow for  
writing instrument to rotate without reeling  
and entangling the tether while writing.  
Applicants agree with Examiner that attachment  
of tether to writing instrument is not  
critical and therefore will not attempt to  
distinguish against prior art of  
Stewart (2502680)

However, by the above amendment, applicants have  
amended remaining Claim 1 more particularly  
and distinctly so as to overcome the Office  
Action objections and rejections. The method  
of securing instrument AND tether is different  
and unique in comparison to Treadway (1577272)  
Shakkit (1367433), Holywell (1462108) and  
Ziporyn (1322862). Although patents Treadway,  
Shakkit, Holywell, and Ziporyn may seem  
similar, they are too obtrusive to be worn by  
students, teachers and by people in modern  
society. Failing to create an invention that  
is highly useful yet still convenient to wear  
in common settings and everyday workplaces  
defeats their utility. Applicants' invention  
is useful and omits all the inconvenient  
mechanical parts with creative use of simple,

comfortable, attractive and inexpensive parts and materials. Applicants' invention's unique and simple design surpasses prior art as further explained below.

#### **Failure of Prior Art But Success with New Invention**

Prior art Treadway, Ziporyn, Shackitt and Holywell have failed to make a wristband that is streamlined and convenient for use by people in modern societies. Although the cited patents provide some utility, they are obtrusive, cumbersome, heavy and non-practical for use in many places where applicants' invention will function much more conveniently, comfortably, and fashionably. The applicants' invention can be relatively inexpensive and simple to manufacture, whereas the cited prior art is not cost-effective for production.

#### **Failed Appreciation**

Prior art Treadway failed to demonstrate creative restraint of the tether without the use of heavy, obtrusive and inconvenient parts. Shakkitt and Ziporyn both failed to produce a method of securing tether when not in use by the wearer.

#### **Inoperative References**

Prior art Treadway, Ziporyn, Shackitt are inoperative which further supports that they need a more practical design to be put into general use. Shakkit, Treadway and Ziporyn are dated and are nowhere to be found in the general population of modern society.

#### **Non-obviousness**

Although the cited prior art produced some utility, it failed to produce a creative, practical, stylish, ergonomic, convenient and cost effective way to restrain tether when not in use. Applicants' superior method for restraining tether when not in use, although a creatively simple solution, is not an obvious one. Nor is it an obvious development of prior art, all of which focused on providing relatively elaborate mechanical solutions to the restraint of tether when not in use.

#### **Lack of Implementation**

Inconvenient and repetitive loss of writing instruments is a long-felt problem, which has not, up until this point, been solved. Although the cited prior art has some utility, it is too obtrusive, heavy and impractical to wear. Prior art has failed to produce a desired method for restraint of tether.

## **DRAWINGS**

Sheet 1/9 of drawings shows number 30 replaced by 32 and number 38 replaced by 30. page 2/9 shows the addition of number 38 on fig 1C where it was not showed before.

## **CONCLUSION**

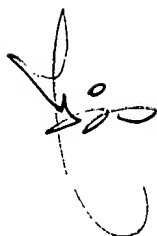
For all the above reasons, applicants submit that the specification and Claim 1 are now in proper form, and that the requested Claim 1 is patentable over the cited prior art. Accordingly, applicants submit that Claim 1 is allowable over the cited references and solicit reconsideration and allowance.

## **Conditional Request for Constructive Assistance**

Applicants have amended the specification and Claim 1 of this application so that they are proper, definite, novel, and unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicants respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. Sections 2173.02 and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,

Mario Ramirez Aguirre and Tim Aoki



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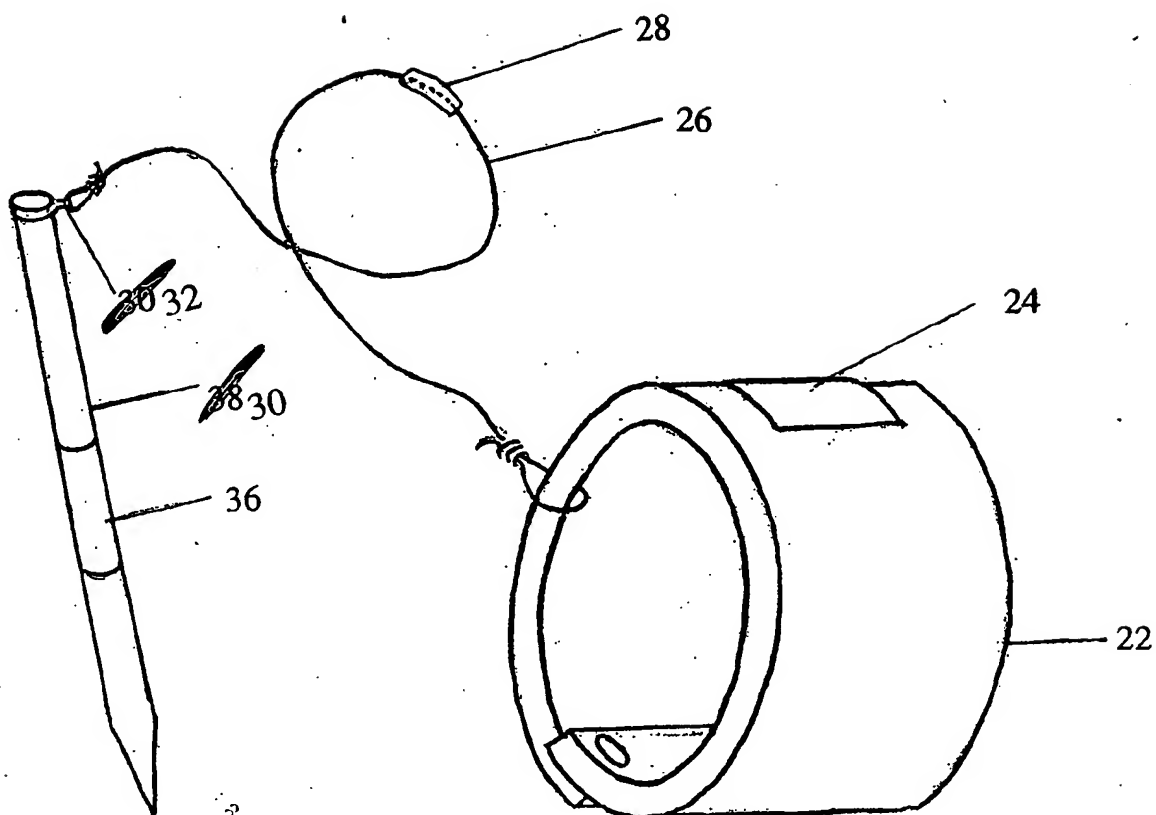


Fig 1